

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

In re:)
KIMBERLY A. BERG)
Debtor(s)) CHAPTER 13
AMERICREDIT FINANCIAL SERVICES, INC.) Case No.: 23-13547 (AMC)
dba GM FINANCIAL)
Moving Party)
v.)
)
) 11 U.S.C. 362
KIMBERLY A. BERG)
Respondent(s))
KENNETH E. WEST)
Trustee)

)

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now AmeriCredit Financial Services, Inc. dba GM Financial (“GM Financial”) filing this its Motion For Relief From The Automatic Stay (“Motion”), and in support thereof, would respectfully show:

1. That on November 22, 2023, Kimberly A. Berg filed a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. 105, 361 and 362 and 28 U.S.C. 157 and 1334.
3. On August 16, 2022, the Debtor entered into a retail installment contract for the purchase of a 2015 Buick Lacrosse bearing vehicle identification number 1G4GC5G39FF192264. The contract was assigned to AmeriCredit Financial Services, Inc. and the Debtor became indebted to AmeriCredit in accordance with the terms of same. AmeriCredit Financial Services is designated as first lien holder on the title to the vehicle and holds a first purchase money security interest in the vehicle. AmeriCredit Financial Services now does business as GM Financial. A true copy of the contract and title inquiry to the vehicle are annexed hereto as Exhibits A and B.

4. The Debtor's account is past due from November 30, 2023 to February 29, 2024 with arrears in the amount of \$2,258.96.

5. As of March 12, 2024, the Debtor's account with GM Financial had a net loan balance of \$24,450.87.

6. According to the March 2024 NADA Official Used Car Guide, the vehicle has a current retail value of \$13,450.00.

7. GM Financial alleges that the automatic stay should be lifted for cause under 11 U.S.C. 362(d)(1) in that GM Financial lacks adequate protection of its interest in the vehicle as evidenced by the following:

- (a) The Debtor is failing to make payments to GM Financial and is failing to provide GM Financial with adequate protection.

WHEREFORE PREMISES CONSIDERED, AmeriCredit Financial Services, dba GM Financial respectfully requests that upon final hearing of this Motion, (1) the automatic stay will be terminated as to GM Financial to permit GM Financial to seek its statutory and other available remedies; (2) that the stay terminate upon entry of this Order pursuant to the authority granted by Fed.R.Bank.P., Rule 4001(a)(3) and (3) GM Financial be granted such other and further relief as is just.

Respectfully submitted,

/s/ William E. Craig

William E. Craig

Eisenberg Gold & Agrawal, P.C.

1040 Kings Highway North #200

Cherry Hill, NJ 08034

(856) 330-6200

Attorney ID: 92329

Local Counsel for AmeriCredit Financial Services, Inc.

dba GM Financial